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Transportation Topics
FOR CONSUMERS
from the Office of Consumer Affairs

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CONSUMERS CONFRONT ISSUES IN RULEMAKING

Citizens met with Department of Transportation officials on December 4 and 5, 1972, to examine how consumers can more effectively participate in Department of Transportation rulemaking. At the opening session of the workshop, Ken Harris from the Executive Office of Consumer Affairs was one of those addressing the 96 participants.

Greater Consumer Involvement Sought Through Workshop

To examine how consumers can more effectively participate in the U.S. Department of Transportation's rulemaking process, a group of 25 citizens from across the Nation met with DOT officials, representatives of other Federal Agencies and private organizations on December 4 and 5, 1972. The workshop, conducted by the Office of Consumer Affairs, was attended by 96 people. Six task force groups grappled with the factors that make consumer involvement difficult. Major factors considered in workshop sessions related to: How consumers can know when an administration in the Department of Transportation is formulating a new rule that is of concern and how consumers can become involved in the rulemaking process.

To explore these and related subjects, the Workshop on Consumer Involvement in the Development of Rules, Regulations and Procedures involved officials from the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, the Urban Mass Transportation Administration, the United

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NEW PROPOSAL ISSUED FOR GRADING AND LABELING TIRES

A new proposal on grading and labeling of tires has been issued by the Department of Transportation replacing an earlier one published in September of 1971. The new proposal would require tire manufacturers to grade and label their products in the areas of treadwear, traction and high speed performance.

There has been much confusion, both in the industry and among individual consumers, on how to differentiate between high and low grade tires. The new proposal presents a quality grading system with uniform tests by which passenger car tires can be measured.

The proposal would grade tires for use on 13-inch, 14-inch, and 15-inch rims. Grades for each area of performance will be molded into the tire sidewall, and also stated on a label attached to the tire's tread. The label will also contain an explanation of the grades, and a statement that the tire meets Federal safety standards.

The grades for treadwear and traction would be based on comparisons of each tire's performance with control

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Tricia Nixon Cox completes a ride on the Nation's first operating personal rapid transit (PRT) system being tested in Morgantown, West Virginia. The cars are horizontal elevators and are practically pollution free. The guideway on which they run stretches for more than two miles. The townspeople of Morgantown and the students and faculty of West Virginia University are participating in tests designed to determine whether PRT's are part of the solution to problems of increasing traffic congestion.

Rear Admiral Austin C. Wagner, Chief of the Office of Boating Safety, U.S. Coast Guard, explains the role of the Coast Guard's Boating Safety Advisory Council in the development of Boating Safety Regulations at the workshop on consumer involvement in rulemaking. One-third of the Advisory Council members are from the public sector. This task group explored a number of new ideas for increasing consumer-citizen participation in rulemaking. Peter Ueberroth from Los Angeles, California, a member of the Citizens' Advisory Committee on Transportation Quality is on the left.

Consumer Workshop

(cont'd from page 1.)

States Coast Guard, the National Highway Traffic Safety Administration and the Office of the Secretary.

One workshop member suggested that the Department of Transportation call on organized consumer groups and ask them for their ideas when a rule or regulation is being contemplated. She pointed out, "People on the 'outside' have good ideas and should be consulted in a systematic way."

Another citizen stressed the need for better use of the Federal Register. "Often an advance notice of rulemaking or the notice of the proposed rule itself appears in the Federal Register with a very short response time. Most consumer groups do not have staffs of professional experts to organize a quick response, as do business and industry. Therefore, the time allotted for an item to appear in the Federal Register must be geared to the consumer-citizen and to volunteers who work in consumer groups."

Miss Ann Uccello, Director of the Department's Office of Consumer Affairs, made the practical suggestion that consumer group mailing lists be prepared by each of the modal administrations in the Department and when new rules are being contemplated or old rules are being revised, these groups could be notified. "We cannot rely on the Federal Register alone to get the word out," she said. "We must aggressively reach out to the consumer and consumer organizations in a positive way if rulemaking in the Department is going to embody their valuable input."

One citizen member of the workshop recommended the use of radio and television to inform the public of important rulemaking.

The plight of the "unrepresented consumer" was forceably brought home by Professor Ernest Gelhorn of the Law School at the University of Virginia. "An administrative agency is usually exposed only to the views of its staff and of private persons with a clear financial stake in the proceeding," he said. "Individual consumers and consumer groups are, however, willing to assist administrative agencies in identifying interests that deserve protection, in producing relevant evidence and argument suggesting appropriate action, and in closing the gap between the agencies and their ultimate constituents."

"Concern must now shift toward structuring intervention," he added, "for if public participation is to be effective as an aid, and not be a hinderance to agency performance, sensible and sensitive rules guiding that participation within reasonable channels must be developed by the agencies."

A highlight of the workshop was the address of the outgoing Secretary of Transportation, John A. Volpe, who told the participants, "We must stay close to the people we are trying to serve. It makes good sense to me that we keep a constant watch on how we bring the consumers into the process of making the rules, regulations and standards within the Department. I sincerely believe that with creative and cooperative consumer involvement at the beginning, indeed at the point of rulemaking itself, we can avoid many mistakes, save the public's money, and have more two-way cooperation with local communities further down the line."

The suggestions made will be carefully evaluated and assembled as the basis for a report to the new Secretary of Transportation, Claude S. Brinegar. The report, including recommendations, will be prepared by the De-

Green Miller (center) of the Urban Mass Transportation Administration and Dana Reed (center right) a California member of the Citizens' Advisory Committee on Transportation Quality participated in a workshop discussion of how best to overcome citizens' alienation from the political process and bring them in as participants in rulemaking.

partment's Consumer Affairs Office and submitted to the Secretary in late Spring of 1973. Anyone wishing a copy of the final report may write to the Office of Consumer Affairs, Department of Transportation, Washington, D.C. 20590.

Cooperating in the workshop were the following organizations in addition to the DOT administrations and offices already mentioned: The Citizens' Advisory Committee on Transportation Quality; The Federal Register; The Center for Governmental Studies; The Administrative Conference of the United States; The Executive Office of Consumer Affairs; and The American Bar Association. The workshop was held at the Department's headquarters in Washington, D.C.

"If public participation is to be effective as an aid and not be a hinderance to Federal agency performance, sensible and sensitive rules guiding that participation must be developed," pointed out Dr. Ernest Gelhorn (right), a University of Virginia Professor of Administrative Law, who served as a consultant to the workshop on consumer participation in rulemaking.

Comments on a proposed rule published in the "Federal Register" should be geared to the consumer-citizen and time allowed for comment from those who work in consumer groups—decided one of the six task groups of the workshop on consumer input to rulemaking. The Director of the Federal Register, Fred Emery (3rd from right) participated in the workshop. Milton Bischoff from St. Louis, Missouri, a memer of the Citizens' Advisory Committee on Transportation Quality is at Mr. Emery's right.

Ki Suh Park of Los Angeles, California, a member of the Citizens' Advisory Committee on Transportation Quality, served as chairman of the task group examining how consumers can more effectively participate in Federal Aviation Administration rulemaking. Ann Uccello, Director of the Office of Consumer Affairs for the Department, listens as Mr. Park gives his Task Group's report to the full workshop conference.

SELLERS MUST DISCLOSE MOTOR VEHICLE MILEAGE RECORD

"It's a sin to tell a lie" go the lyrics of an old song. It's always been a sin to lie about odometer readings. now it's against the law. Anyone selling a motor vehicle is now required to disclose to the buyer. in writing. the mileage the vehicle has traveled. The regulation issued by DOT's National Highway Traffic Safety Administration became effective March 1, 1973. It requires each person transferring ownership of a motor vehicle to furnish a written, signed statement containing: (1) the odometer reading at the time of transfer; (2) the date of the transfer; (3) the current address of the person making the sale or transfer; (4) the identity of the vehicle. including its make. model. and body type, its vehicle identification number. and its last plate number.

In addition. if the person selling or transferring the vehicle knows that the odometer reading differs from the number of miles the vehicle has actually traveled, he must include a statement that the actual mileage is unknown.

This regulation carries out a consumer information provision of the New Motor Vehicle Information and Cost Savings Act. Title IV of this Act makes it unlawful to tamper with an odometer for the purpose of concealing the actual mileage traveled by a vehicle. As an

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BICYCLE BOOM CREATES INCREASED BIKE PATH DEMANDS

The American River Bikeway in Sacramento, Calif., is used exclusively by cyclists and hikers.

America is enjoying a bicycle rennaissance. We have found a non-polluting, inexpensive alternative for inner city trips. And it is great exercise for the rider.

Bicyclists from all over the country are writing letters to the President and to the Department of Transportation asking for Federal assistance and guidance in establishing bicycle paths, facilities, and safety standards. Coordinating DOT's efforts to aid cyclists is the Office of the Assistant Secretary for Environment, Safety and Consumer Affairs.

The letters received reflect the interest of varied ages and groups, from a fifth grader in Washington to a civic club in Iowa. A man from Virginia suggests that the dangers of biking deters a great many people from using that mode. He thinks providing safe bikeways would encourage people to switch to bikes.

Heavy automobile traffic makes bike riding dangerous, especially for children who use bikes as their sole means of transportation.

Separate Bike Paths Can Reduce Injuries

Bicycle-related deaths and injuries have grown in number rather consistently as bicycling has increased in popularity.

According to product injury information from the Bureau of Product Safety, FDA, HEW, bicycles are second only to team sports as a cause of product-related injuries. The boy, 5 to 14 years of age, is the most frequent victim. During a 16-month period ending October 31, 1972, the Bureau of Product Safety collected information from 119 hospital emergency rooms on 17,827 bicycle-related injuries.

The National Safety Council has reported 850 deaths related to motor vehicle-bicycle collisions for 1971 (Accident Facts, 1972 Edition, National Safety Council).

Adherence to traffic rules would help solve the problem of motor vehicle-bicycle accidents. Both cyclists and auto drivers are guilty of failure to signal. Cyclists often ride on the wrong side of the road and sometimes go through red lights, creating dangerous situations for themselves and others. A man from Massachusetts wrote, "the streets are just completely impractical for bikes." Many bicycle coalitions maintain that systems of bike lanes and paths should be totally separate from motorized vehicular traffic.

Bike Path Funds Available

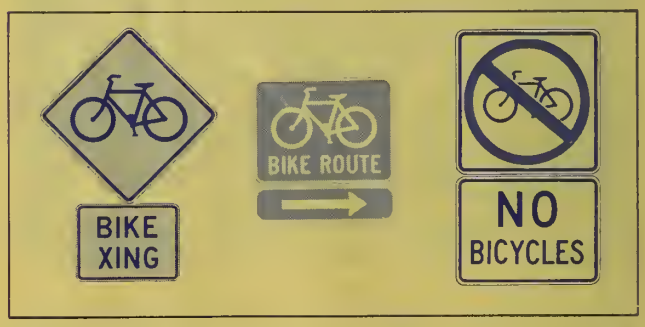
Working for more and better bike paths, the Department has announced that Federal funds are available for the construction of bicycle paths when they are built in conjunction with a Federal-aid highway project. DOT has proposed legislation that would authorize the construction of exclusive or preferential bicycle lanes and other bicycle facilities with Federal highway funding.

Bicycles can also be an element in an intermodal system of transportation. The Department has contracted with the Bay Area Rapid Transit (BART) in San Francisco to demonstrate how the bicycle can be used as a low cost supplement to a rapid transit system. As a part of this project, the contractor will study and plan for bike parking, bike routes linked to the BART system, access to recreational areas and bike security requirements.

In Washington, D.C. bicycle racks are planned for the Metro subway stations now under construction. Other cities are exploring the possibility of bicycle parking facilities in transportation terminals.

Bicycling is a healthy, fun way to travel. To benefit from it, we must improve facilities for cyclists and promote bicycling safety in our communities.

One of the best publications to help communities interested in such a project was developed by ITTE, UCLA, for the State of California. You may write for a copy of this report, entitled "Bikeway Planning Criteria and Guidelines" available from the Federal Highway Administration, HRS-41, Department of Transportation, Washington, D.C. 20590.



Watch for signs such as these (actually in color) indicating areas where bicycles are and are not permitted. These signs are part of the signage and symbols being adopted internationally for easy communication to help eliminate language barriers.

NEW RESTRAINT SYSTEMS EXPLORED

The National Highway Traffic Safety Administration of the Department considers the inflatable seat belt a promising development and an example of the industry's continuing search for alternate protective devices to help prevent injuries and deaths associated with automobiles. Initial designs do not meet the passive requirements of Standard 208.

STARK CONTRAST!

Not ONE person wearing a seat belt was killed in a motor vehicle crash in the District of Columbia during the two-year period, 1970–71, according to police records. However, 113 occupants *NOT* wearing seat belts were fatally injured in motor vehicle accidents in the District during this same time period!

From the Department of Motor Vehicles District of Columbia

RAIL-HIGHWAY CROSSINGS

A recent Department of Transportation report to Congress indicates that the Nation's 223,000 public railroad-highway grade crossings are the site of 12,000 vehicle-train collisions annually, resulting in about 1,500 deaths and 7,000 injuries. The Federal Railroad Administration has recommended a program that would triple at least the current rate of railroad-highway grade crossing protection installations during the next ten years at a cost of about $75 million per year. The estimate is that more than 500 lives would be saved annually.

Tire Grading

(cont'd from page 1.)

tires specified by the Department's National Highway Traffic Safety Administration. The grade for high speed performance would be based on the tire's performance on the laboratory test wheel.

Grades used to indicate treadwear performance would be actual numbers specifying the percentage of control tire treadwear the manufacturer's tire is capable of meeting or exceeding. The lowest grade would represent a tire which produces less than 60 percent of the treadwear of the control tire.

Grades for traction would consist of asterisks or five point stars, with three stars indicating the highest grade; a dash would represent less than 90 percent of the performance of the control tire.

High speed performance grade would be indicated by the letters "A, B, and C", with "A" being the highest grade, and "C" indicating the minimum level of performance required by Federal safety standards.

The proposal also specifies that tire grading information be furnished to prospective buyers of tires, as well as to prospective purchasers of new passenger cars. The proposed effective date of the regulation is September 1, 1974.

Industry and the general public are invited to comment on the proposal. Comments should reach the National Highway Traffic Safety Administration no later than June 4, 1973.

Disclose Car Mileage Record

(cont'd from page 3.)

additional safeguard for purchasers, who generally rely on the odometer as a guide to a vehicle's condition and value, the law directs the Secretary of Transportation to prescribe the manner in which odometer information is to be disclosed and retained.

States having laws requiring equivalent information will not be required to fill out additional forms.

The new law exempts certain vehicles for which the odometer is not used as a guide to value such as vehicles weighing more than 16,000 pounds, antique vehicles and trailers that are not self-propelled.

The Consumer Wants To Know

Q: Why aren't school buses equipped with seat belts?

A: Seats on the majority of school buses, currently in use, are not designed for use in conjunction with seat belts. In fact, installing seat belts on seats that are not securely anchored could contribute to injury in case of an accident. The article that follows describes a Notice of Proposed Rulemaking that would require bus passenger seats that are stronger, higher and safer. Seat belts with warning systems might be used with seats that are designed to meet specific performance standards. Students would be much less likely to be injured with better designed seats.

PROPOSAL FOR SAFER BUS SEATS

Reporting that investigations of bus accidents "have pointed to the seat as being a significant factor in the causation of injury," the Department's National Highway Traffic Safety Administration has proposed occupant protection requirements which would protect bus passengers from death and injuries caused by crashes and sudden driving maneuvers. The requirements would apply to all buses manufactured after September 1, 1974, including school buses.

There have been a number of serious and fatal bus accidents in recent years. Many of these accidents, such as the recent school bus crash in Ft. Sumner, New Mexico, have been marked by the progressive failure of seats under the weight of occupants being thrown forward by the force of impact.

To improve the strength of the seat, the Safety Agency proposes to require a seat to conform to three separate performance tests. An upward performance test would reduce the chance that the seat will tear loose from its anchorage in a rollover. A rearward performance test would strengthen the seat in the rear-end collision, which is particularly characteristic of many crashes involving school buses. A forward performance test would not only strengthen the seat in forward impacts but would also require the seat to deflect in a controlled manner that absorbs the energy of the occupant.

"School Bus Safety Problems," a publication developed by NHTSA is available from the Superintendent of Documents, Washington, D.C. 20402. The price is 70¢ and the Order Number is TD8.2:B96.

One of three designs submitted to DOT for the TRANS-BUS program, (bus of the future) emphasizing passenger comforts and features for the handicapped.

The proposal requires seat backs to be at least 28 inches high, which is approximately the height of an extended front seat head restraint in a passenger car. It also requires a restraining barrier to be placed ahead of each front seat, to protect passengers from being thrown into the driver, the windshield, or the door wells.

To eliminate exposed metal bars and similar designs, and to make the seat itself a significant energy absorber, the notice proposes to require all surfaces within a specified area ahead of the seat to meet a head impact criterion, similar to that required in Federal Motor Vehicle Safety Standard No. 208. Addition of impact absorbing material would thicken the upper part of the seat back.

In response to suggestions from some interested parties, the Safety Agency also proposes an alternative restraint system employing seat belts equipped with warning systems. If this option is used, the performance characteristics of the seat are modified in some respects. For example, the forward performance required of the seat is reduced somewhat, but the test must be conducted in conjunction with a forward test of the seat belts.

Under the belt restraint option, each passenger position on a seat would be equipped with a lap belt anchored to the seat. Each belt would be equipped with a warning system that would signal both the passenger and the driver if the passenger fails to buckle the belt after sitting down.

Interested parties are invited to submit comments on the proposal. Comments should reach the National Highway Traffic Safety Administration, Washington, D.C. 20590, no later than May 15, 1973.

SUMMARY OF RECOMMENDATIONS FROM 1972 TRAVELER SERVICE STUDY*

Recommendations	AIR	RAIL	BUS
1. Nationwide toll-free telephone information system	X	X	X
2. Standardized telephone answering service	X	X	X
3. Standardized list of information for reservations callers	X	X	
4. Instantaneous confirmation of reservations		X	
5. Comprehensive destination information to passengers	X	X	X
6. Automatic baggage handling		X	X
7. On-board baggage storage		X	
8. Baggage labels		X	X
9. Curbside baggage checking and claiming	X	X	
10. Tickets contain full readable information	X	X	X
11. Ticketing system automated		X	
12. Inform travelers of liability and procedures	X		X
13. Expedite ticket refunds	X		
14. Improve security system for baggage	X		
15. Standardize rules and procedures for defining carriers responsibilities in case of unscheduled trip interruptions	X	X	X
16. Information on connecting and and alternate service	X	X	X
17. Minimum service standards for flight distances and times for serving food and beverages	X		
18. Improving food service		X	
19. Standards for inspection and maintenance of on-board facilities and equipment be enforced	X	X	
20. Standardize signs and symbols in terminals; coordinate this with other modes	X	X	X
21. Rapid updated arrival and departure information available on information boards, through public address systems and to telephone callers	X	X	X
22. Availability of specialized personnel to assist pasengers	X	X	X
23. Complete information on local transportation services	X	X	X
24. Make city maps available to passengers	X	X	X
25. Establish and enforce rules for terminal use; primarily forbidding use by local transients and unauthorized persons		X	X
26. Investigate feasibility of providing transportation from terminal to central destination areas		X	
27. Establish reservation service and seating assignments for greater proportion of intercity bus schedules			X
28. Reliable information on out-of-town schedules and fares			X
29. Establish orderly boarding procedures. with adequate restraining barriers			X
30. Establish and enforce rules for vehicle operation in order to minimize passenger discomfort			X
31. Establish a system of approved rest stops in order to improve the quality of en route services			X
32. Upgrade cleanliness of all terminals, including rest rooms		X	X
33. Passenger identification on all tickets issued			X

* From a research study entitled "Evaluation of Traveler Service Problems" conducted for the Office of Facilitation and Office of Consumer Affairs of the DOT by RMC Incorporated. The 33 recommendations are "X" marked to indicate whether they apply to Air, Rail and/or Bus travel. For more information on the study read the September 1972 issue of "Transportation Topics."

CONSUMER PUBLICATIONS AVAILABLE ON 1973 AUTO PERFORMANCE

The National Highway Traffic Safety Administration released the fourth annual publication of comparative performance information for new cars and motorcycles in mid-February. This three-booklet consumer aid series ranks all current models from best to worst in two performance categories—tire reserve load and stopping ability. Cars are also rated on acceleration and passing ability. The comparative rankings are based solely on information supplied NHTSA by manufacturers.

Foreign make cars occupy the top seven positions in braking performance, and the top 16 positions in tire reserve load. NHTSA emphasizes that these 1973 publications do not prove American automobiles and motorcycles are any better or worse than their foreign competitors. There are many performance factors—safety related and other to be considered in purchasing a new car. But it is apparent that foreign manufacturers are concentrating on top performance ratings and earning them.

These publications may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The titles, order numbers and prices are as follows:

1. *Performance Data for Passenger Cars and Motorcycles*, 1973 vehicles—Order No. TD.8.14:4, Price $2.85
2. *Brakes: A Comparison of Braking Performance for Passenger Cars*, 1973 vehicles—Order No. TD.8.14/2:3/pt. 1, Price 55¢
3. *Tires: A Comparison of Tire Reserve Load for Passenger Cars*, 1973 vehicles—Order No. TD.8.14/2:3/pt. 2, Price 65¢

Send a check or money order rather than cash when ordering from the Superintendent of Documents. Use of order blanks, furnished upon request from them, will help speed the publications to you.

The Secretary of Transportation has determined that the publication of this periodical is necessary in the transaction of the public business required by law of this Department. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget through August 30, 1975.

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